



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

SEP 20 2002

400 Seventh St., S.W.  
Washington, D.C. 20590

Mr. David Norton  
Vought Aircraft  
P.O. Box 655907  
Dallas, TX 75165-59074

Ref. No. 02-0220

Dear Mr. Norton:

This is in response to your letter requesting clarification of whether your company is responsible for ensuring that drums containing nitric acid residue are properly classed, described, packaged, marked and labeled when being returned to the supplier for reuse in accordance with § 173.29(c) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You stated that your company purchase nitric acid in UN1A1 metal drums from a local supplier. Upon emptying the contents of the drums by pouring only (not cleaning and purging), the drums are arranged for pick-up by the same supplier. Your company's employees load the empty drums onto the supplier's truck for return and reuse.

Under the HMR, a person who offers a hazardous material (e.g., nitric acid), including a "residue," for transportation is responsible for performing the functions of an offeror. These functions include the responsibility for properly classifying, describing, packaging, marking, labeling and preparing shipping papers for the return of the drums to the supplier's facilities.

Generally, empty packagings containing a residue of a hazardous material must be transported in the same manner as when they previously held a greater quantity of the material. However, in accordance with § 173.29(c), a non-bulk packaging containing only the residue of a hazardous material covered by table 2 of § 172.504 when collected and transported by a contract or private carrier for reconditioning, remanufacture or reuse is excepted from the shipping paper and placarding requirements.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



020220

173.29(c)



BeHs  
§173.29(c)  
Empty  
02-0220

C-82333/2002L-010  
19 August 2002

U.S. Department of Transportation  
Office of Hazardous Materials Standards  
400 Seventh St. S.W.  
Washington, D.C. 20590

Dear Sir,

Our company purchases nitric acid in UN1A1 metal drums from a local supplier. Upon emptying the contents of the drums by pouring only (no purging), the drums are staged for pick-up by the same supplier that we procure the nitric acid. Our company loads the empty drums in the supplier's truck for return and reuse. No shipping papers are prepared or provided by our company. It is my understanding of the regulations that there are no shipping paper requirements under 173.29(c).

What is our company's responsibility in ensuring that the return of the nitric acid containers are properly classed, described, packaged, marked and labeled per applicable regulations?

Sincerely,

David Norton  
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